

EXHIBIT B
PART 2

1 Q. Sometimes it helps when I ask the question 04:21 PM
2 that way.

3 Now, you also mentioned at the last session of
4 your deposition a fourth incident of sexual harassment,
5 and that was that there were reps in the office who
6 looked at porn and forced young women to look at it. Do
7 you recall that?

8 A. Yes.

9 Q. Are you referring to the incident between 04:22 PM
10 Mr. Selly and Ms. Keller that you've already testified
11 to?

12 A. Yes.

13 Q. Are there any other reps in the office besides 04:22 PM
14 Mr. Selly whom you are aware of who viewed pornography?

15 A. No, I'm not aware of.

16 Q. And concerning Mr. Selly, is it true that the 04:22 PM
17 only incident where you're aware of him viewing
18 pornography is this incident between him and Ms. Keller
19 that you learned about in Exhibit 3?

20 A. Yes.

21 Q. The confidential memo? 04:22 PM

22 A. Yes.

23 Q. You also mentioned at the last session of your 04:22 PM
24 deposition a fifth incident of harassment. You
25 testified that there were reps in the office who would

1 try to win sales by bringing prostitutes to close a
2 deal?

3 A. Yes.

4 Q. Who were the reps who tried to win sales by 04:23 PM
5 bringing prostitutes?

6 A. Tim Payne.

7 Q. Tim Payne? 04:23 PM

8 A. Yes.

9 Q. Was there anyone else, to your knowledge, who 04:23 PM
10 tried to close a deal by bringing prostitutes to close a
11 deal?

12 A. Not that I know of.

13 Q. Do you know if in fact Mr. Payne ever brought 04:23 PM
14 a prostitute to close a deal?

15 A. I don't know, I wasn't there to find out.

16 Q. Did anyone ever tell you that Mr. Payne 04:23 PM
17 brought a prostitute to close a deal?

18 A. No.

19 Q. How did you come to learn that Mr. Payne tried 04:23 PM
20 to win sales by bringing prostitutes to close a deal?

21 A. I heard him.

22 Q. Was he talking to someone else? 04:23 PM

23 A. Yeah, he was talking to the customer on the
24 phone, or the prospective customer.

25 Q. Where was he when he was having this phone 04:23 PM

1 call?

2 A. In the cubicle across from me.

3 Q. You both had cubicles? 04:23 PM

4 A. Uh-huh.

5 Q. Is that a yes? 04:24 PM

6 A. Yes.

7 Q. Do you know what customer Mr. Payne was 04:24 PM

8 talking to?

9 A. No.

10 Q. Did you hear Mr. Payne on one occasion or more 04:24 PM

11 occasions -- more than one occasion talk to a customer

12 about bringing a prostitute to close a deal?

13 A. Just this one occasion.

14 Q. What was it that you heard Mr. Payne say, to 04:24 PM

15 the best of your memory?

16 A. To the best of my memory he said, "Do you guys

17 like women? Would you like me to bring women over

18 tonight?" And it was a business conversation, so he was

19 talking -- it was real clear that he was talking to a

20 customer.

21 Q. Why was it clear to you that he was talking to 04:24 PM

22 a customer?

23 A. Because he was talking about business.

24 Q. Do you remember what business specifically he 04:24 PM

25 was talking about?

1 A. Co-location, bandwidth, I don't know.

2 Q. So you heard him say, "Do you guys like women, 04:24 PM
3 do you want me to bring women over tonight?"

4 A. Yes.

5 Q. Did he indicate where he was going to be or 04:25 PM
6 where he was going to go?

7 A. No.

8 Q. Did he say anything else? 04:25 PM

9 A. Not that I can recall.

10 Q. What was it that led you to conclude that he 04:25 PM
11 was referring to prostitutes?

12 A. Well, from that comment it certainly sounded
13 like prostitutes. "Do you guys like women, I can bring
14 women over tonight."

15 Q. So based upon the comment or the two 04:25 PM
16 questions, "Do you guys like women? Do you want me to
17 bring women over tonight?" You assumed he was referring
18 to prostitutes?

19 A. Yes. It is my assumption. My assessment.

20 Q. Did you ever overhear Mr. Payne say anything 04:25 PM
21 else in this conversation other than what you've shared
22 with us?

23 A. No.

24 Q. Did you ever make any notes concerning this 04:25 PM
25 conversation of Mr. Payne's that you overheard?

1 woman? Do you men like women? Do you want me to bring
2 you some woman tonight?"

3 A. So this is what I said in the last depo?

4 Q. Yes. 04:27 PM

5 A. Yes, that's pretty much what I said now.

6 Q. So that wasn't a separate incident of 04:27 PM

7 harassment, that was the same one that you just
8 testified to?

9 A. Yes.

10 Q. In other words, incident five about Tim Payne 04:27 PM

11 having a conversation, as you believe, with a customer
12 saying, "Do you like women? Do you want me to bring
13 one?" Is the same as incident six?

14 A. Yes.

15 Q. And you have nothing else to add to that 04:27 PM
16 testimony?

17 A. No.

18 Q. The seventh incident that you referred to at 04:27 PM
19 the last session of your deposition was that you heard
20 representatives talking in the office about selling to
21 companies that do porn over the internet?

22 A. Yes.

23 Q. Who were the reps that you heard talking in 04:28 PM
24 the office about selling to companies that do porn on
25 the internet?

1 A. Tim Payne.

2 Q. When did you hear this conversation? 04:28 PM

3 A. He was talking about it out on the patio,
4 bragging about it during lunch with the other reps.

5 Q. Who was Mr. Payne talking to at the time? 04:28 PM

6 A. Oh, golly, I don't remember. They were men.
7 I was the only female.

8 Q. Were you having lunch with these men? 04:28 PM

9 A. It was lunchtime so I went out and ate my
10 lunch and they were there. He was bragging about trying
11 to figure out how he can make more money by selling to
12 companies that do porn over the internet, because
13 they're the ones, apparently, I don't know the history
14 of it, but that's where the big money has been.

15 Q. When did this conversation occur? 04:29 PM

16 A. 1999.

17 Q. I'm sorry, I forgot to ask. When you 04:29 PM
18 overheard Mr. Payne talking supposedly to a customer,
19 asking a customer "do you guys like women, or want me to
20 bring a woman tonight" --

21 A. "Bring women tonight."

22 Q. When you overheard Mr. Payne say, "Do you guys 04:29 PM
23 like women? Do you want me to bring women tonight?"
24 When did you hear that conversation?

25 A. That would have been in 2001.

1 Q. Do you remember when? 04:29 PM
2 A. Probably about halfway through.
3 Q. Around March of 2001? 04:29 PM
4 A. No, around maybe -- oh, excuse me. 2000.
5 Year 2000. About maybe around June or something like
6 that.
7 Q. You said you were out on the patio having 04:29 PM
8 lunch when you heard Mr. Payne talking to these other
9 men?
10 A. Yes.
11 Q. Were you sitting at the same table? 04:29 PM
12 A. Yeah, we were all congregated around this big
13 bench.
14 Q. Do you remember who he was talking to? 04:30 PM
15 A. I don't. He was showing off. He was just a
16 show off rep. Maybe Ted Rozalis was there. I don't
17 know. Maybe -- I don't know if Kokinos was there. I
18 don't think so. I can't remember. Men.
19 Q. How did the topic of selling services to 04:30 PM
20 internet porn providers come up?
21 A. They were already talking when I came out to
22 have lunch.
23 Q. Do you remember anything more specific than 04:30 PM
24 overhearing Mr. Payne say that you could make more money
25 by selling services to internet companies who market

1 porn?

2 A. Things like, you know, that's what the
3 internet has been there for is for porn. And that was
4 his view, that's where the big bandwidth is.

5 Q. Anything else that Mr. Payne said when you 04:31 PM
6 were both out in the patio?

7 A. No, not that I can remember.

8 Q. Did any of the other men who were there make 04:31 PM
9 any comments when Mr. Payne talked about selling
10 internet services to companies who market porn over the
11 internet?

12 A. They probably did but I don't remember that.

13 Q. Have you told me everything that you remember, 04:31 PM
14 Deborah, concerning this conversation that you overheard
15 concerning Mr. Payne and other men on the patio?

16 A. Yes, I have.

17 Q. Now, you had mentioned that there was an 04:31 PM
18 eighth incident of harassment that occurred while you
19 worked there. And that was that it was your
20 understanding that 70 percent of Alta Vista's business
21 was in pornography?

22 A. Yes, that's correct.

23 Q. Who was Alta Vista? 04:32 PM

24 A. That was the customer that Mike Hill had and
25 David Belove supported him on that.

413

1 Q. Do you know what the nature of Alta Vista's 04:32 PM
2 business was?

3 A. Well, they're an ISP. They're like Earthlink,
4 AOL. But during -- during the course of meetings with
5 Alta Vista, they told Level (3) that 70 percent of their
6 business is porn.

7 Q. How did you learn that Alta Vista told Level 04:32 PM
8 (3) that 70 percent of their business was porn?

9 A. From Sheila Wood.

10 Q. Did Sheila Wood ever tell you that she had 04:32 PM
11 attended a meeting with people from Alta Vista?

12 A. No. I don't know if she did or not.

13 Q. Did Sheila Wood tell you how she had learned 04:33 PM
14 that there had been a meeting between Alta Vista and
15 Level (3) where Alta Vista had said that 70 percent of
16 its business was in porn?

17 A. I can't remember for sure, but I think she was
18 at a meeting with them. I think she might have been at
19 a dinner engagement with them, I'm not sure, but it's
20 something that Sheila would never make up.

21 Q. Did anyone else besides Sheila Wood ever tell 04:33 PM
22 you that 70 percent of Alta Vista's business was in
23 pornography?

24 A. I think I heard it again.

25 Q. Do you remember who you heard it from? 04:33 PM

1 A. I don't.

2 Q. When Ms. Wood told you that she had learned 04:33 PM
3 that 70 percent of Alta Vista's business was in
4 pornography, did you say anything?

5 A. I wasn't overly surprised because of the kind
6 of rep Mike Hill is. So, you know, what happens in
7 sales is, like attracts like. And I've heard him
8 communicate with Alta Vista before and they swear and
9 cuss at each other, so I wasn't overly surprised.

10 Q. My question was a little bit different. My 04:34 PM
11 question was, when you learned from Ms. Wood that 70
12 percent of Alta Vista's business was supposedly
13 servicing pornographers, did you say anything?

14 A. I don't remember.

15 Q. You mentioned that it didn't surprise you to 04:34 PM
16 learn that Alta Vista was involved somehow in providing
17 services to pornographers because of the type of person
18 Mike Hill was?

19 A. Yes.

20 Q. What were you referring to, the fact that he 04:35 PM
21 swore on the phone?

22 A. Yes, he's very flashy and -- that was his
23 nature. He was a bouncer boy at a nightclub. Didn't
24 show up for meetings. Couldn't get out of bed on time.
25 He was a real character. Colorful.

1 STATE OF CALIFORNIA) SS
2 COUNTY OF LOS ANGELES)

3
4 I, CATHRYN L. BAKER, C.S.R. #7695, do
5 hereby certify

6 That the foregoing deposition of MARY DEBORAH
7 SALACH was taken before me at the time and place therein
8 set forth, at which time the witness was put under
9 oath by me;

10 That the testimony of the witness and all
11 objections made at the time of the examination were
12 recorded stenographically by me, were thereafter
13 transcribed under my direction and supervision and
14 that the foregoing is a true record of same.

15 I further certify that I am neither counsel
16 for nor frlated to any party to said action, nor in
17 any way interested in the outcome thereof.

18 IN WITNESS WHEREOF, I have subscribed my
19 name this 19th day of January, 2004.

20
21
22
23
24
25


CATHRYN BAKER, C.S.R. No. 7695